

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAMELA MILLER,

Plaintiff,

Case No.5:03-cv-71

v.

HON. DAVID W. McKEAGUE

LANSING HOUSING COMMISSION,
CHRIS STUCHELL in his capacity as
Executive Director, ROCHELLE HATCHER,
in her capacity as Section 8 Coordinator,
and SARAH SEGERLING in her capacity
as Hearing Officer,

Defendants.

**ORDER OF PARTIAL DISMISSAL,
PRELIMINARY INJUNCTION AND REMAND**

Plaintiff Pamela Miller having commenced this action under 42 U.S.C. § 1983 for violation of her due process rights under the United States Constitution and rights under the United States Housing Act, 42 U.S.C. § 1437f; and

Plaintiff having contemporaneously moved the Court for preliminary injunctive relief; and
Defendants Lansing Housing Commission and individual officials thereof having filed their brief in opposition to the motion; and

The Court having conducted a hearing on the motion on June 25, 2003, and having made several rulings from the bench;

Now therefore, and for the reasons more fully set forth on the record during the hearing,

IT IS HEREBY ORDERED that plaintiff's claims against defendant Sarah Segerling are voluntarily **DISMISSED**; and

IT IS FURTHER ORDERED that plaintiff's motion for preliminary injunction is **GRANTED**; and

IT IS FURTHER ORDERED that defendant Lansing Housing Commission shall, effective immediately and prospectively, restore the Section 8 housing assistance subsidy to which plaintiff is otherwise entitled (notwithstanding defendants' January 2003 termination thereof) pending adjudication of the merits of plaintiff's claims; and

IT IS FURTHER ORDERED that the matter of plaintiff's eligibility for continuing participation in the housing assistance program (from January 1, 2003 forward) is **REMANDED** to the Lansing Housing Commission for reconsideration and, if the Commission should continue to believe that grounds for termination exist, for further proceedings strictly conforming to the notice and informal hearing requirements set forth at 24 C.F.R. § 982.555; and

IT IS FURTHER ORDERED that defendant Lansing Housing Commission shall complete its reconsideration and issue its final decision not later than August 9, 2003; and

IT IS FURTHER ORDERED that counsel for the parties shall immediately advise the Court of the issuance of the final decision, whereupon a telephone status conference shall be scheduled.

Dated: June 26, 2003

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT JUDGE